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Attorney Docket No.: 2003P08213US

REMARKS

Upon entry of the instant Amendment, Claims 1-21 are pending. Claim 19 has been amended to overcome the Section 112 rejection.

Claims 19-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular the limitation "said associated ones" was indicated to lack sufficient antecedent basis. Claim 19 has been amended to correct the antecedent basis issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 19-21 have been rejected under 35 U.S.C. §102(a) as being anticipated by Watanabe et al., U.S. Patent Publication No. 2003/0013444 A1 ("Watanabe"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Watanabe.

As discussed in the Specification, and in response to the previous Official Action, the present invention relates to a presence and location system, including one or more remote devices and servers. In certain embodiments of the present invention, either or both of the remote units and the server(s) may be provided with a watchdog timer to allow for confirmation the remote units are still running. The watchdog timer(s) activate or begin their count when a device is detected as being present or registers with the server. Position information may be sent from the mobile device upon expiration of the timer. In some embodiments, the watchdog timer is a periodic timer such that updates are sent responsive to periodic expirations of the timer.

In contrast, Watanabe does not provide, *inter alia*, a positioning server receiving positioning information from a positioning controller. Indeed, the mobile terminals of Watanabe never send position information. Instead, a "location area" of the mobile terminals is determined by the base stations, not by a positioning controller on the mobile terminals themselves. This is clear from paragraph [0036] of Watanabe, which describes the base station and states "[t]he location area determining function 3c [of the

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base station] determines a location area based on the mobile terminal status information (such as moving speed, a frequency of call arrival, etc.) advertised from the mobile device. In this manner, the base station controls the determination of a location area." (emphasis provided).

Further, Watanabe does not provide for "position information...received at the positioning server responsive to periodic expirations of a watchdog timer," as recited in the claims at issue. Instead, Watanabe's mobile terminals merely request a location registration via a location registration signal (which can be accompanied by the mobile device number and status information). The mobile terminal does not itself transmit position information. Instead, the base station determines a location area. (See, e.g., para [0041] of Watanabe, which states "[u]pon receiving the location registration request signal, the base station 3n determines a location area...").

Finally, Watanabe does not provide presence indicia as recited in the claims at issue. Because Watanabe does not teach, suggest, or imply, *inter alia*, any of the discussed elements, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-3, 7-9, and 14-15 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,643,516 ("Stewart") in view of Watanabe. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Stewart or Watanabe, either singly or in combination.

Claim 1 recites "wherein said positioning server includes a periodic timer for determining when said position information is to be received from associated ones of said plurality of network clients responsive to receiving indicia of a presence of said associated ones such that said position information is received responsive to periodic expirations of the timer;" claim 7 recites "cause said positioning information to be transmitted to an associated server at predetermined periodic intervals responsive to an activation with the associated server and upon expiration of a watchdog timer that begins a first count upon said activation;" and claim 14 recites "said server including a periodic timer for determining when said position updates are to be received from said wireless device, said periodic timer being activated responsive to a registration of said

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associated ones with said server, wherein said position updates are to be received upon periodic expirations of the timer."

In contrast, as discussed in response to the previous Official Action, Stewart provides a system in which a calling party manually transmits a location request code when calling a remote party. The called remote party can then respond with its location "at fixed time intervals or at time intervals determined by the caller." However, a timer does not activate until the called party makes the request, not in response to registration or a presence indicia.

Watanabe is relied on to allegedly providing a periodic watchdog timer. However, as noted above, Watanabe does not provide, *inter alia*, for transmitting positioning information or a positioning server according to a timer, as recited in the claims at issue; a location area is determined by the base stations.

Furthermore, the timer in Watanabe is not a periodic timer responsive to a presence indicia, as generally recited in the claims at issue. Because neither reference relates to a timer as recited in the claims at issue, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4-6 and 16-18 have been rejected under 35 U.S.C. 103 as being unpatentable over Stewart in view of Watanabe and Verdonk, U.S. Patent No. 6,330,454 ("Verdonk"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Stewart, Watanabe or Verdonk, either singly or in combination.

Stewart and Watanabe have been discussed above. Verdonk is relied upon for allegedly teaching a server querying a device for location. However, like Stewart and Watanabe, Verdonk does not provide for activating a periodic timer upon device registration with a server or for determining when position information is to be received. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 10 has been rejected under 35 U.S.C. 103 as being unpatentable over Stewart in view of and McDowell, U.S. Patent Application No. 2002/0035605 ("McDowell") and further in view of Watanabe. Applicants respectfully submit that the

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claimed invention is not taught, suggested, or implied by Stewart, Watanabe, or McDowell, either singly or in combination. As discussed above, in certain embodiments of the present invention, either or both of the remote units and the server(s) may be provided with a periodic watchdog timer to allow for confirmation the remote units are still running. The timer determines when location information is to be received. The watchdog timer(s) activate or begin their count when a device is detected as being present or registers with the server. Position information may be transmitted periodically upon expirations of the timer.

Thus, claim 10 recites "wherein said location control unit includes a periodic timer for determining when said location information is to be received from associated ones of said plurality of users, said periodic timer being activated responsive to a registration of said associated ones with said telecommunications server, such that said location information is received upon periodic expirations of the timer."

Stewart and Watanabe have been discussed above. McDowell is relied on for allegedly teaching a presence control unit or location control unit. However, like Stewart and Watanabe, McDowell does not provide for a timer being activated responsive to a registration of said associated ones with said telecommunications server or for determining when location information is to be received. In McDowell, when a user requests "location-sensitive information" (para. 0083), location information is obtained. However, a location timer is nowhere activated responsive to device registration. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 11-13 have been rejected under 35 U.S.C. 103 as being unpatentable over Stewart, McDowell, Watanabe, and Verdonk. Each of these has been discussed above. For reasons similar to those discussed, Applicants respectfully submit that these claims, too, are not obvious. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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CONCLUSION

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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